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versy were fully before the jury and easily understood, expert opinion on the question was not competent; the jury being as capable of drawing an inference from the facts as the witness.

[Ed. Note.—For other cases, see Evidence, Cent. Dig. § 2310; Dec. Dig. § 507.* 5 Va.-W. Va. Enc. Dig. 777.]

10. Evidence (§ 471*)—Opinion Evidence—Admissibility.—As a rule witnesses can only testify to facts and cannot give their opinions.

[Ed. Note.—For other cases, see Evidence, Cent. Dig. § 2149; Dec. Dig. § 471.* 5 Va.-W. Va. Enc. Dig. 792.]

Error from Corporation Court of Manchester.

Action by Caple's administratrix against the Atlantic Coast Line Railroad Company. Judgment for plaintiff, and defendant brings error. Reversed and remanded for new trial.

Edwin P. Cox and Wm. B. McIlwaine, for plaintiff in error.
O'Flaherty & Fulton and Geo. J. Hooper, for defendant in error.

NORFOLK & W. RY. CO. *v.* SOLLENBERGER'S ADM'R.

Jan. 13, 1910.

[66 S. E. 857.]

Evidence (§ 568*)—Opinion Evidence.—The probative value of the opinion of a witness that a train could have been stopped in time to have avoided injury to a servant negligently on the track falls where it appears that the witness was in error as to the most essential condition on which the opinion was predicated.

[Ed. Note.—For other cases, see Evidence, Cent. Dig. § 2392; Dec. Dig. § 568.* 5 Va.-W. Va. Enc. Dig. 792.]

On petition for rehearing. Denied.

For former opinion, see 66 S. E. 726.

*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, & Reporter Indexes.